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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,960	02/03/2000	Michael R. Arneson	1689.0010002	6909

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EXAMINER

MYHRE, JAMES W

ART UNIT PAPER NUMBER

3622

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

Office Action Summary

Application No.
09/496,960

Applicant(s)
Arneson et al

Examiner
James W. Myhre

Art Unit
3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 3, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

Art Unit: 3622

DETAILED ACTION

Information Disclosure Statement

1. The Information Disclosure Statement filed on September 14, 2000 has been considered by the Examiner. A copy of the completed PTO-Form 1449 is attached hereto.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8, 9 19-23, 26, and 27 rejected under 35 U.S.C. 102(b) as being anticipated by Gunthrie et al (5,289,372).

Claims 1 and 19: Gunthrie discloses a system and method for conducting an inventory of items with attached tags, comprising:

- a. Selecting a remote sensor (collector) to poll one or more tags (sensor) within the collector's physical area of control;
- b. Receiving and storing information from the polled tags;
- c. Repeating the polling by other collectors in the system; and

Art Unit: 3622

d. Processing the received polling information to determine the inventory status of the system (col 3, line 50 - col 4, line 55).

Claims 2 and 20: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 1 and 19 above, and further discloses the polling information comprises one or more tag IDS (col 3, line 50 - col 4, line 55).

Claims 3 and 21: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 2 and 20 above, and further discloses repeating the steps (col 3, line 50 - col 4, line 55 and col 10, lines 52-57).

Claims 4 and 22: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 3 and 21 above, and further discloses storing information of tags which failed to respond (missing from inventory)(col 13, lines 56-68).

Claims 5 and 23: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 4 and 22 above, and further discloses initiating a security measure upon detection that a tag is missing (col 13, lines 56-68).

Claims 8 and 26: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 2 and 20 above, and further discloses correlating the information received from each tag to maintain data regarding the location of each tag (col 3, line 50 - col 4, line 55).

Claims 9 and 27: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 1 and 19 above, and further discloses that the information is from a tag within the collector's coverage pattern (col 3, line 50 - col 4, line 55).

Art Unit: 3622

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 10-14, 16, 17, 24, 25, 28-32, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunthrie et al (5,289,372).

Claims 6, 7, 24, and 25: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 5 and 23 above, but does not explicitly disclose that the security action taken when a “missing” item is detected consists of turning on a surveillance camera or activating a silent alarm. Gunthrie discloses that a maintenance person is dispatched to the “nonresponsive” tag (col 13, lines 56-68). While this may be an appropriate response when applied to Gunthrie’s example system that is tracking the equipment in a widely distributed computer system, it would have been obvious to one having ordinary skill in the art at the time the invention was made to turn on a surveillance camera, activate an alarm (whether silent or not), or take other security measures such as locking all egresses into and out of the area concerned. The type of security action taken would depend upon the type of items being monitored. While in most computer systems Gunthrie’s sending of maintenance personnel may be appropriate, if the computer system was a highly sensitive classified system used by an intelligence organization or

Art Unit: 3622

the military, it would be more appropriate to turn on a surveillance camera or to activate a silent alarm instead of sending maintenance (or security) personnel in order to verify the reason for the nonresponsiveness of the item and to determine the appropriate response (i.e. sending maintenance personnel if the item is seen to be present or sending security personnel if the item is seen to be missing from its usual place).

Claims 10-14 and 28-32: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 9 and 27 above, but does not explicitly disclose that the sensor information indicates tag movement, tag vibration, tag temperature, or a security breach comprising one of these parameters. Official Notice is taken that it is old and well known in the security arts to use motion, vibration, and/or temperature sensors to detect theft, abuse, or failure of an item. These types of sensors are used in many areas, such as car alarms (motion and vibration); factories, buildings heating/cooling systems, nuclear power plants (temperature); etc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to monitor movement, vibration, and/or temperature fluctuation of the tagged item. One would have been motivated to monitor these types of elements in order to better determine when an exception status has occurred so the appropriate response could be initiated.

Claims 16 and 34: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 1 and 19 above, and further substantially discloses the claimed steps for polling (interrogating) the tags (col 3, line 50 - col 4, line 55). The wake-up signal, timer, and counter are all well known in the sensor art and discussed by Gunthrie (col 13, lines 3-55) as well as by

Art Unit: 3622

other cited art. Therefore, the claimed polling (interrogation) steps would have been obvious to one having ordinary skill in the art at the time the invention was made. One would have been motivated to poll the tagged items in this manner in view of Gunthrie's disclosure of such components within his system.

Claims 17 and 35: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 1 and 19 above, but does not explicitly disclose that the tag reader is a PCMCIA card. The Examiner notes that a PCMCIA card is the common standard used on PC card-based peripherals on portable (and personal) computers throughout the industry and is also the standard name for PC cards which were first introduced in June 1990. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a PCMCIA card to read the tags. One would have been motivated to use a PCMCIA card in view of its standard usage for such applications throughout the industry.

6. Claims 15, 18, 33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunthrie et al (5,289,372) in view of Kaplan et al (3,689,885).

Claims 15, 18, 33, and 35: Gunthrie discloses a system and method for conducting an inventory of items as in Claims 1 and 19 above, but does not explicitly disclose that the tags are connected to the collector through an electrical power distribution system nor attached to an electrical light fixture. Kaplan discloses a similar system and method for polling tags in which the nodes are connected through an electrical power distribution system (Figure 5A, item 172 and col

Art Unit: 3622

9, lines 39-62). While Kaplan does not explicitly disclose connecting to the electrical power distribution system through an electrical lighting fixture, Official Notice is taken that it is old and well known in the electrical arts that items can be connected to an electrical system by direct wiring, outlet plugs, or through light fixtures (the Examiner has used a motion sensor integrated into a light fixture to activate outdoor lighting on his house for years). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the collectors, tags, and other system components through an electrical power distribution system and to use one or more of the usual electrical connection modes to include an electrical lighting fixture. One would have been motivated to connect to such a system in such a manner in order to provide a constant supply of power without needing to replace batteries constantly.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. James W. Myhre whose telephone number is (703) 308-7843. The examiner can normally be reached on weekdays from 6:30 a.m. to 3:30 p.m.

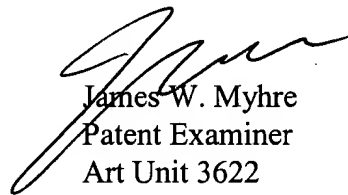
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. The fax phone number for Formal or Official faxes to Technology Center 3600 is (703) 872-9326. Draft or Informal faxes may be submitted to (703) 872-9327 or directly to the examiner at (703) 746-5544.

Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-1113.


JWM

July 24, 2002


James W. Myhre
Patent Examiner
Art Unit 3622